REMARKS/ARGUMENTS

Claims 1-12 are currently pending in the application. Claims 1-4 and 12 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,298,702 to Jones et al. in view of U.S. Patent Appl. Publ. No. 20030074452 to Zheng et al. Claims 9-11 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jones, Zheng and U.S. Patent Appl. Publ. No. 2002/0114282 to McLampy et al. Claim 5 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jones and Zheng in further view of U.S. Patent Appl. Publ. No. 2002/0152319 to Amin et al. Claim 6 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jones and Zheng in further view of U.S. Patent Appl. Publ. No. 20060120282 to Carlson et al. Claims 7 and 8 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jones, Zheng, Carlson, and Amin.

Applicants respectfully request reconsideration of the instant application.

The present invention is directed to transparently processing session initiation messages to reserve bandwidth across the wireless link between a remote wireless client and an access element. The wireless network infrastructure detects and processes session initiation messages to determine QoS parameters for the wireless link, and forwards the session initiation message on to a SIP server for processing. To further distinguish the claimed subject matter from the cited references, independent claim 1 has been amended to state that the central control element is operative to "forward the session initiation message to a session initiation protocol server for processing of the session initiation message." Claim 12 has also been amended to include similar language. Furthermore, claims 13-16 have been added as dependent claims.

To support the rejections set forth above, the Examiner appears to allege that Jones, as modified by or combined with the teachings of Zheng, render the claimed subject matter obvious.

MPEP § 2143, Part G clearly defines the Examiner's initial burden for establishing a prima facie case of obviousness:

> To reject a claim based on this rationale, [the Examiner] must articulate the following:
>
> (1) a finding that there was some teaching, suggestion, or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
>
> (2) a finding that there was reasonable expectation of success; and
>
> (3) whatever additional findings based on the *Graham* factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.

Furthermore, the "prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." MPEP § 2141, section III. "'[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.'" MPEP 2143.01, citing *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007), quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006).

Proposed Jones-Zheng Combination Fails to Disclose Claimed Subject Matter

The proposed Jones-Zheng combination does not disclose or suggest the subject

matter of the claims. As the Examiner admits, Jones fails to disclose transparent processing of session initiation messages for the identification of QoS parameters, and their application at an access element to reserve wireless bandwidth resources for wireless sessions corresponding to the session initiation messages. The Examiner relies on Zheng for its reference to SIP and QoS[1]; however, the Examiner's reliance on Zheng does not cure the deficiencies of Jones, since the teachings of Zheng (when viewed in combination with Jones) do not teach or suggest the claimed subject matter. Zheng teaches a network system that supports multiple QoS establishment modes for QoS across a network that transports data associated with sessions between end systems. Zheng does not teach application of QoS to a wireless link between an access element and a wireless client. Rather, Zheng deals with QoS across an open or long-haul network (relying on Diffserv, Intserv or MPLS technologies to provide the QoS across the network, see Zheng ¶ 0007) and does not teach reservation of wireless bandwidth resources for the connection between a wireless client and an access element. For example, Zheng teaches that a SIP server requests resources from a "bandwidth broker. In contrast, the claimed subject matter deals with QoS for the wireless link between the wireless client and the access element. The amendments to claim 1 and 12 are intended to clarify that processing of the session initiation message is separate from any QoS-related processing that a SIP server may perform. Accordingly, even assuming the proposed Jones-Zheng combination is appropriate, the combination does not teach the claimed subject matter, as the addition of Zheng would merely result in the establishment of QoS across the network, but not the wireless link between the wireless client and the access point. In other words, combining Zheng with Jones does not result in

1 The instant Office Action also mischaracterizes Applicant's response. The Office Action states that "Applicants basically argue that Walton [sic] does not teach or suggest 'QoS parameters and bandwidth.'" Office Acton at 10. This characterization is inaccurate. Applicants argue that Jones, Zheng and McLampy (alone or in combination) do not disclose or suggestion the processing of session initiation messages for the establish of QoS on the wireless link between the wireless client and access element.

a system directed to reservation of wireless bandwidth resources at an access element for a session corresponding to a SIP invite.

Still further, the Examiner's allegations as to claim 6 also deserves mention, as McLampy does not disclose "revoking" previously granted QoS guarantees. Rather, the cited sections relate to the screening of advertised routes among session routers in a network system.

Based on the foregoing, it is readily apparent that the proposed Jones-Zheng combination fails to teach all limitations of the claims. In addition, the Examiner fails to explain how the differences, highlighted above, between the proposed Jones-Zheng combination and the claimed subject matter would have been obvious to one skilled in the art, as the MPEP requires. A prima facie case of obviousness has, thus, not been established.

Insufficient Motivation or Suggestion to Combine/Modify

To support the proposed Jones-Zheng combination the Examiner alleges that one of ordinary skill in the art would have been motivated to incorporate the network system of Jones "and demonstrate the QoS in SIP, as taught by Zheng et al., in order to provide an optimal communication path." See Office Action at 3. This conclusory motivation, however, is insufficient to establish a prima facie case as the Office Action fails to articulate a sufficient rationale to create the claimed subject matter. Rather, the alleged motivation merely establishes that some QoS mechanism could be applied to the system of Jones. However, the alleged motivation does not establish that one would have been motivated to reserve wireless bandwidth resources of a wireless access element. Rather, as discussed above, Zheng primarily teaches the establish of QoS (using Diffserv, Intserv, or MPLS) across a routed network disposed between the end systems to the call session, and not on

the reservation of wireless bandwidth resources for the connection between a wireless client and an access element.

Dependent claims 2-11 and 13-16 directly or indirectly depend from claims 1 and 12 respectively and are therefore respectfully submitted to be patentable over the art of record for at least the reasons set forth above with respect to the independent claims. Further, these dependent claims recite additional limitations that when considered in the context of the claimed invention further patentably distinguish the art of record.

In light of the foregoing, Applicant believes that all currently pending claims are presently in condition for allowance. Applicant respectfully requests a timely Notice of Allowance be issued in this case. If the Examiner believes that any further action by Applicant is necessary to place this application in condition for allowance, Applicants request a telephone conference with the undersigned at the telephone number set forth below.

CONCLUSION

In light of the foregoing, Applicants believe that all currently pending claims are presently in condition for allowance. Applicants respectfully request a timely Notice of Allowance be issued in this case.

If a telephone conference would advance prosecution of this Application, the

Examiner may call Mark J. Spolyar, Attorney for Applicant, at 650-739-7511.

The Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts LLP.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant

Mark J. Spolyar
Reg. No. 42,164

Date: 20 June 2008

Correspondence Address:
Customer Number: **05073**